

L2NHBELS

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK

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3 UNITED STATES OF AMERICA,

4 v.

15 Cr. 537 (VEC)

5 WENDELL BELLE,

6 Resentence

7 Defendant.

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8 New York, N.Y.  
9 February 23, 2021  
10 2:10 p.m.

11 Before:

12 HON. VALERIE E. CAPRONI,

13 District Judge

14 APPEARANCES

15 AUDREY STRAUSS

Acting United States Attorney for the  
Southern District of New York

16 GINA CASTELLANO

17 Assistant United States Attorney

18 JEFFREY G. PITTELL

19 Attorney for Defendant  
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L2NHBELS

(Case called)

MR. CASTELLANO: Good afternoon, your Honor. Gina Castellano for the government.

THE COURT: Good afternoon.

MR. PITTELL: Good afternoon, your Honor. Jeffrey Pittell appearing with Mr. Belle.

THE COURT: Good afternoon, Mr. Pittell.

Good afternoon, Mr. Belle.

THE DEFENDANT: Good afternoon.

THE COURT: Please be seated, everybody.

Mr. Pittell, have you and your client read the presentence report dated July 25, 2017, and the supplemental PSR that was filed on April 15, 2020?

MR. PITTELL: Yes, we both read it and had sufficient time to discuss both.

THE COURT: Terrific. Mr. Belle, did you read the presentence report and the supplemental presentence report?

THE DEFENDANT: Yes, ma'am.

THE COURT: All right. Mr. Pittell, do you have any objections to the report?

MR. PITTELL: No, I do not.

THE COURT: All right. The presentence report and the supplemental presentence report will be made part of the record in this matter and placed under seal.

If an appeal is taken, counsel on appeal may have

L2NHBELS

1 access to the sealed report without further application to this  
2 Court.

3 The sentencing submission -- you know what, excuse me.  
4 This is the first time I've seen Mr. Belle since 5(f) got  
5 amended.

6 Mr. Belle, Congress, in their infinite wisdom, changed  
7 the law since you were last sentenced, and this is the first  
8 time I've seen you since the new law went into effect.

9 THE DEFENDANT: Yes.

10 THE COURT: Under the new law, the first time I see a  
11 defendant, I have to remind the government of its obligations  
12 to disclose favorable information to the defense. So since  
13 this is the first time I've seen you since the new law went  
14 into effect, let me take care of this, and we'll get back to  
15 your sentence.

16 THE DEFENDANT: Yes, ma'am.

17 THE COURT: Ms. Castellano, I direct the prosecution  
18 to comply with its obligations under *Brady v. Maryland* and its  
19 progeny to disclose to the defense all information, whether  
20 admissible or not, that is favorable to the defendant, material  
21 either to guilt or to punishment, and known to the prosecution.  
22 Possible consequences for noncompliance may include dismissal  
23 of individual charges or the entire case, exclusion of  
24 evidence, and professional discipline or court sanctions on the  
25 attorneys responsible. I have previously entered a written

L2NHBELS

1 order in this case, I believe, but if not, I will enter it  
2 today more fully describing this obligation and the possible  
3 consequences of failing to meet it. And I direct you to review  
4 and to comply with that order.

5 Ms. Castellano, do you confirm that you understand  
6 your obligations and have fulfilled them?

7 MR. CASTELLANO: Yes, your Honor.

8 THE COURT: OK. I received a sentencing submission  
9 from the defense dated October 27, 2020, which included a  
10 letter from Mr. Belle -- letters from Mr. Belle, his mother,  
11 his girlfriend, and two nephews. I then received a letter  
12 dated November 3, 2020, which included a BOP work evaluation  
13 which was very positive, and on November 4, 2020, a letter  
14 providing Mr. Belle's explanation of several disciplinary  
15 incidents which occurred when he was in state custody.

16 I also re-reviewed the defense submission from the  
17 original sentence in 2017. And today I received a letter  
18 dated -- it was actually dated November 4, 2020, but it was  
19 filed February 22, 2021, not exactly explaining the most recent  
20 disciplinary incidents that Mr. Belle has experienced, but  
21 generally challenging the BOP system as not being a fair  
22 system.

23 I received letters from the government dated  
24 October 27, 2020, and November 3, 2020. As with defense  
25 submissions, I also reviewed the materials submitted by the

L2NHBELS

1 government in connection with the initial sentence.

2 I also received a complete copy of Mr. Belle's state  
3 and federal disciplinary record and the last six months of  
4 Bureau of Prisons medical records. Then on February 22, I  
5 received another letter from the government which provided  
6 additional disciplinary incidents involving Mr. Belle mostly  
7 from -- I think all from January, and there were several  
8 different incidents that were involved.

9 All right. So defendant's conviction on Count One is  
10 vacated. Following the Supreme Court's decision in *United*  
11 *States v. Davis*, racketeering conspiracy is not a valid  
12 predicate for a 924(c) charge. Vacating the Count One  
13 conviction also affects the mandatory minimum sentence for  
14 Count Two. Rather than a mandatory minimum of 25 years  
15 consecutive, Count Two now carries a mandatory minimum sentence  
16 of ten years consecutive. The guidelines for Count Two is the  
17 mandatory minimum. The maximum sentence is any term of years.

18 Defendant's argument is that the sentence I impose  
19 should include credit for defendant's time spent in state  
20 prison. I disagree legally because this is not a *Rivers*  
21 situation. Congress has required 924(c) sentences to run  
22 consecutive to any other sentence, which includes the state  
23 sentence that Mr. Belle is currently serving. That said, my  
24 sentence will take into account the fact that when he begins to  
25 serve it, he will have already spent nine years in jail, and I

L2NHBELS

1 would impose the same sentence even if the defendant were  
2 legally correct that I have discretion to run the sentence  
3 concurrent with his undischarged state sentence.

4           It is important to the sentence I am going to impose.  
5 Even if it has no effect on the guidelines calculation, it is  
6 worth reviewing Mr. Belle's criminal history. Mr. Belle began  
7 his violent criminal history early. He has a June 2007  
8 juvenile adjudication for murder that he committed at the age  
9 of 13. He received five years in a juvenile facility. That  
10 generates two criminal history points. On October 2011, he was  
11 convicted for criminal possession of a weapon. That's two  
12 criminal history points. June 2015, he was convicted of  
13 attempt murder. That's the nine-year sentence that he's  
14 currently serving. That's three criminal history points.  
15 Seven criminal history points puts Mr. Belle in criminal  
16 history category IV. It's unusual to have a criminal history  
17 category that high at such a young age, particularly since most  
18 of Mr. Belle's young adulthood has been spent in jail.

19           Are there any guidelines issues that I haven't  
20 addressed, Ms. Castellano?

21           MR. CASTELLANO: No, your Honor.

22           THE COURT: Mr. Pittell?

23           MR. PITTELL: No.

24           THE COURT: A downward departure is not possible  
25 because of the mandatory minimum. On the other hand, there are

L2NHBELS

1 grounds for an upward variance. As I said the first time  
2 around, the circumstances of the murder of Mr. Lora are outside  
3 the heartland of murders. The fact that, in addition to the  
4 Lora murder, Mr. Belle personally participated in other  
5 shootings where people were killed and injured puts this case  
6 well outside the heartland of 924(c) cases.

7 Are there any factual issues in dispute?

8 MR. CASTELLANO: No, your Honor.

9 MR. PITTELL: No.

10 THE COURT: OK. Would the government like to be heard  
11 on sentencing? Before I say that, let me also -- this is going  
12 to go to everybody. Mr. Belle has told me in his letters that  
13 he is no longer a Young Gunnaz. To the extent anybody can shed  
14 any light on exactly what that means, let me know. For  
15 example, does that mean that he communicated to other Young  
16 Gunnaz to say I'm not in the gang anymore? Does it mean he  
17 told the government, I'll tell you everything I know about the  
18 Young Gunnaz? Does it just mean that in his head he's decided  
19 he's no longer a Young Gunna? To the extent there's any color  
20 that you can put around that declaration, I'd appreciate it.  
21 And also, I see that Mr. Lora's mother --

22 MS. LORA: Sister.

23 THE COURT: Sister is here. Would you like to speak?

24 MS. LORA: Yeah.

25 THE COURT: Would you come to the microphone, then.

L2NHBELS

1 Would you state your name.

2 MS. LORA: Jessica Lora.

3 THE COURT: Jessica Lora. That's L-o-r-a.

4 Go ahead, Ms. Lora.

5 MS. LORA: If you could go back in time, what would  
6 you do different from what you did?

7 THE DEFENDANT: Answer that?

8 THE COURT: Yes.

9 THE DEFENDANT: I would have did what I first did, ran  
10 the other way. Originally, that's what I originally did. I  
11 would have just went the other way, but he -- he fell.  
12 That's -- I couldn't do nothing else.

13 THE COURT: I'm sorry. Mr. Belle, you can't mumble,  
14 though.

15 THE DEFENDANT: It's the mask. It's the mask. I  
16 could take it down.

17 THE COURT: No, you can't take it down.

18 THE DEFENDANT: I'm saying, like, I went the other  
19 way. Like, I went the other way, and he happened -- he was on  
20 the floor, and I just went back. If I could any way, like, I  
21 would have stopped it if I could, seriously.

22 MS. LORA: Did you notice how small he was?

23 THE COURT: I'm sorry. Did you know what?

24 MS. LORA: Did he notice how small he was?

25 THE COURT: Did you know how small he was?



L2NHBELS

1 MS. LORA: Yeah.

2 THE DEFENDANT: From my point, yeah, of course, yeah.

3 Yes, I did. I knew him personally, like, since he was five  
4 years old. So it did affect me. It did affect me a lot, me  
5 doing that. Like, I'm not going to sit here and act like  
6 that's something to be proud of me doing. I never -- like,  
7 like, yeah, I did it. I went in and let the liquor get control  
8 of me, and I did what I did. I ain't mean to do that, though.  
9 I swear to you I didn't mean for it to go like that. Honestly.  
10 I know Chichi. I know all of them. So it did affect me. It  
11 did affect me a lot.

12 MS. LORA: Was he asking you to stop? Was he asking  
13 you to stop?

14 THE DEFENDANT: I can't -- I don't recall. I don't  
15 really recall this whole -- I let the liquor get over me. I'm  
16 not blaming it on the liquor. It's no excuse. I apologize. I  
17 know -- I know apology ain't going to bring him back, but if I  
18 could do something to make you feel better, I would. But I  
19 know, like, you losing somebody, it will never bring him back  
20 because I took him from you. And I'm sorry, like, sorry,  
21 honestly.

22 Honestly, like, I don't know what else I can say to  
23 change it, but if I could go back in time, I would have stopped  
24 that whole thing. I would have really stopped it because  
25 now -- because I'm -- I'm not only going through legal with

L2NHBELS

1 this, this is -- I got a cut on my face from that, from doing  
2 that to that young man. So I know -- I know, like, every day  
3 I'm going through with the legal and the legal things. So it's  
4 people inside jail that I got to deal with due to this, to  
5 committing this crime, and I got to deal with the courts. So  
6 it's like -- but if I could take it back to stop all this, I  
7 would, so I could be back home with my son, my family. I mean,  
8 everybody else suffering the same way. Your mother is sick --  
9 sick. My mother's sick, going through it too.

10 So, like, I just apologize to you, my mother, my  
11 family, like, your mother. Like, when y'all came from -- when  
12 I -- when I pled guilty and y'all was sitting there and I seen  
13 Chichi, like, that affected me a lot seeing your brother there,  
14 your other brother. So it brought back memories from me  
15 sleeping in y'all house and everything from when I was little.  
16 And I'm sorry. I don't -- I don't know what else I could say  
17 to you, Jessica.

18 MS. LORA: I'm sorry too. I feel bad for what you're  
19 going through too. I know you're --

20 THE DEFENDANT: I guess I deserve it. I guess this is  
21 what I got to go through for what I did, for the things I did,  
22 so --

23 MS. LORA: Thank you.

24 THE DEFENDANT: You're welcome.

25 MS. LORA: Thank you.

L2NHBELS

1 THE COURT: Thank you.

2 Ms. Castellano.

3 MR. CASTELLANO: Your Honor, the government strongly  
4 believes that the Court should impose the same sentence that it  
5 imposed back in August of 2017, and that's because,  
6 unfortunately, nothing has changed that's before your Honor.  
7 The defendant's criminal history hasn't changed. The terrible,  
8 terribly violent conduct that he committed as a high-ranking  
9 member of the YGs hasn't changed. And his behavior since he's  
10 been in prison hasn't changed. Your Honor already went through  
11 his criminal history of murder at the age of 13 and talked a  
12 bit about the terrible conduct, the violence, shooting after  
13 shooting, as a high-ranking member of the YGs, a gang that  
14 terrorized the neighborhoods in the South Bronx and other areas  
15 of the Bronx.

16 Obviously, the most egregious of that conduct was the  
17 stomping murder of Moises Lora, Jessica's brother. It just  
18 stands out separate and apart from all of the other violence  
19 because it was just so awful. Hearing Mr. Belle say today that  
20 he didn't mean it is striking because he used his own feet to  
21 crush Moises' skull, repeatedly stomping on him, a frail,  
22 90-pound 16-year-old boy. He had that blood on the bottom of  
23 his jeans when he went and talked to his buddies after. He  
24 bragged about that murder. And it didn't stop him. To hear  
25 him say today that it affected him, it may be affecting him

L2NHBELS

1 now, but he continued violence after that, shooting somebody  
2 through the car window, almost killing them.

3           Nothing about that murder, about Mr. Belle's conduct  
4 or the murder of Moises Lora can be changed. The Lora family  
5 is going to have to live with that forever, with that. The  
6 only thing that could have changed between August of 2017. And  
7 sitting here today is Mr. Belle, and he's written to the Court.  
8 He's spoken a bit. But that same sentiment, when you look back  
9 at the transcript from the original sentencing, it's there.  
10 Words are meaningless without actions, and so looking at  
11 Mr. Belle's actions is what, I submit, matters. And I detailed  
12 for the Court in the government's submissions Mr. Belle's  
13 conduct while in prison, in state custody: November 30, 2017,  
14 attacking another inmate from behind, using a spoon to make  
15 stabbing motions at the other inmate. December 2, 2019,  
16 cutting another inmate on the head, causing an injury that  
17 required 16 sutures. Then he comes back to federal custody for  
18 this resentencing, and he's attacked, and that's terrible and  
19 that shouldn't have happened to him. But he's written up five  
20 times just in the last -- in 2021. Words are meaningless if  
21 they're not backed up by action. The actions matter, and  
22 Mr. Belle's actions strongly imply that he has not changed.  
23 And for that reason, the government submits that there's no  
24 basis to change the sentence.

25           THE COURT: You have to keep your mask over your nose,

L2NHBELS

1 OK? Your nose is part of the whole respiratory sentence.

2 THE DEFENDANT: I apologize.

3 MR. CASTELLANO: Thank you, your Honor.

4 THE COURT: Thank you, Ms. Castellano.

5 Mr. Pittell.

6 MR. PITTELL: Actually, is it OK if I sit, Judge?

7 THE COURT: I'm sorry?

8 MR. PITTELL: Is it OK if I sit?

9 THE COURT: Yes. Yes, that's fine.

10 MR. PITTELL: I guess, just as a housekeeping matter,  
11 my second letter to the Court, which was submitted yesterday, I  
12 forgot to change the date.

13 THE COURT: Yes, yes. It was filed yesterday.

14 MR. PITTELL: It was from the prior letter. So the  
15 docket's going to reflect there's a letter dated November 4,  
16 2020, but the header should make it clear it's supposed to be  
17 February 22, 2021.

18 THE COURT: I knew that.

19 MR. PITTELL: I've been before your Honor for these  
20 *Davis* resentencing hearings and in front of other judges as  
21 well, and it's my perception of these proceedings that it gives  
22 the Court an opportunity to look at what has gone on since the  
23 judge presided over the prior sentence and whether or not there  
24 should be a change or a reduction, because even though the  
25 *Davis* case may have changed the guidelines or affected

L2NHBELS

1 mandatory minimums, it's my sense that when you imposed  
2 sentence at the time, you weren't really looking at the  
3 guidelines. You were looking at Mr. Belle's history, both the  
4 violence as well as his upbringing and the submissions of the  
5 parties, and you imposed the sentence that you deemed to be  
6 fair and appropriate. And so the question becomes now, does he  
7 get the same sentence or are there any circumstances that  
8 warrant some type of reduction? Because certainly in this  
9 particular case there's nothing restricting you from imposing  
10 any of those options.

11 So in my sentencing submission, I tried to point out  
12 that in the last four years, though it's not a broad span of  
13 time, there have been efforts by Mr. Belle to try and turn the  
14 corner and move his life in a more positive direction. His  
15 letter indicates that he renounced YG. He can address the  
16 Court more on that. I think assaults upon him are a reflection  
17 of that.

18 THE COURT: Is it, or is it a reflection of the fact  
19 that it's a retaliation for the murder of Noah?

20 MR. PITTELL: It could be, but also the fact that the  
21 YG is not protecting him. Could be indicia of that as well.  
22 We just -- we don't know, but either way he's looking over his  
23 shoulder at everybody, retaliation for the murder of Noah, as  
24 well as retaliation for renouncing of the gang. He has turned  
25 to Islam. Despite the limited opportunities that the MDC has

L2NHBELS

1 offered to inmates during this past year in terms of  
2 programming and work, he's done whatever he could, and even in  
3 one of my separate letters got what I thought was a very  
4 favorable recommendation.

5           You've seen in my submissions that I have my questions  
6 about these disciplinary infractions. I know the records of  
7 the Bureau of Prisons and that an inmate gets served with an  
8 infraction, which is referred to as a shot, and then they're  
9 thrown in the SHU. Sometimes have a hearing right away, but  
10 usually they sit there for a month or two. And then comes time  
11 from the hearing, and they just want to get out of the SHU, and  
12 so they'll admit whatever they have to to get out of there.  
13 Quite frankly, when I've talked to people about what the  
14 hearings are, the notion of a kangaroo court comes to mind. I  
15 don't say that to denigrate the Bureau of Prisons and the way  
16 they handle things, but it's not exactly full-blown due  
17 process. I'm a little concerned about the more recent ones  
18 because Mr. Belle actually has a sexual harassment claim  
19 pending against an officer in the Bureau of Prisons, and  
20 there's an investigation going on about that. And now  
21 yesterday I see that he's being accused of that, and not only  
22 accused but the hearing was within nine days, which is pretty  
23 fast, in my experience, when someone gets a shot to go to a  
24 hearing.

25           So that's why in my recent letter I, in essence, am

L2NHBELS

1 urging the Court to not give these records much weight, because  
2 there's very little information on it. And other than me  
3 giving a proffer, an explanation, which I did in one of my  
4 earlier letters, all the facts are not really on the table. So  
5 I urge you not to look at that too thoroughly in terms of  
6 making your decision.

7 I'm sure you've heard this on every sentence that I  
8 urge you to take into consideration what he's had to endure  
9 during the past year. Every inmate has been more or less  
10 locked in their cell 23 hours a day. They're not exactly given  
11 proper PPE. Look at the mask he's wearing. This is a piece of  
12 a blanket. It doesn't even fit his face properly. You would  
13 think that at least now, a year later, the Bureau of Prisons  
14 would be able to give them hospital masks, K95s, more  
15 formfitting cloth masks. And that's symbolic of what Mr. Belle  
16 and all inmates have had to go through this past year where  
17 they've had to wake up every day and wonder if today's the day  
18 that I'm going to get it and what's going to happen to me, then  
19 if I get it, am I really going to get medical treatment?

20 So I'm sure you've probably heard it from various bail  
21 applications, motions for compassionate release, sentencings,  
22 so I'll just say that what you've heard in those cases is what  
23 Mr. Belle has gone through, and I ask you to take it into  
24 consideration. Obviously, the pandemic was an act of God, so  
25 to speak, but nonetheless, the inmates suffered what is I feel



L2NHBELS

1 to be a terrible hardship, and at least some weight should be  
2 given to that in fashioning your sentence.

3 Otherwise, I'll just defer to what I've said in my  
4 submissions, and thank you for your time.

5 THE COURT: Thank you, Mr. Pittell.

6 Mr. Belle.

7 THE DEFENDANT: Yes, ma'am.

8 THE COURT: Would you like to be heard?

9 THE DEFENDANT: Yes, ma'am.

10 I got a -- you read my letter already, right?

11 THE COURT: I read all of your letters.

12 THE DEFENDANT: All right. Basically, I want to  
13 talk -- I just wanted to say, like, the -- I denounced my YGs.  
14 They know I'm not YG no more. I'm not Young Gunnaz.

15 THE COURT: What does that mean? How did they know?

16 THE DEFENDANT: How do they know? I told them that.

17 THE COURT: You told your friends --

18 THE DEFENDANT: Yes.

19 THE COURT: -- who you're incarcerated with, I'm not a  
20 YG anymore?

21 THE DEFENDANT: Yes, yes.

22 THE COURT: OK.

23 THE DEFENDANT: I told them that, and that's how it  
24 is. But I wanted to break down the disciplinary process, too,  
25 about the tickets. Yeah, I caught disciplinary tickets, but

L2NHBELS

1 those is, like, minor, like, within the unit. I'm not saying  
2 I'm supposed to catch them, but you could catch them, like,  
3 anytime. Like, any officer could give you them. It doesn't  
4 matter. Like, you can just be sitting here, you could do  
5 something, the officer don't like, and he could just write you  
6 up.

7 But those are in-house write-ups. Those is not  
8 write-ups that I was sent to the box for anything. Not saying  
9 it's OK that I caught them, but I did catch them because I did  
10 something I wasn't supposed to do probably at the time or the  
11 officer just had something against me. I'm not saying  
12 everybody's against you, but you do got officers in here you  
13 see in the BOP, if you say one thing, they'll turn it into  
14 something else and make it seem like you said this and you  
15 don't really have a defense. 'Cause, like, in the state, they  
16 have, like, a process where they got a recorder, you have a  
17 representative, and you could really fight your case, like  
18 fight your -- you can't do that here. It's basically like if  
19 he believe you or if he believe the officer, he going to go  
20 with -- he just go with the officer because that's his peer and  
21 he works there. So he's going to take his officer word.

22 So I have to go through the appeal process which takes  
23 about 60 days. Nobody -- I'm not going to just fill out an  
24 appeal process, and by the time I'm done with the box time, my  
25 sanction and stuff be up, so I won't even go appeal it. And

L2NHBELS

1 really, that's what I wanted to tell you about. About --  
2 basically, like what I did, basically I could stand up or I  
3 could --

4 THE COURT: You're fine.

5 THE DEFENDANT: I'm fine?

6 THE COURT: If you feel better standing up, you're  
7 welcome to stand up.

8 THE DEFENDANT: Basically, I would just like to  
9 apologize to my family, the courts, you, for -- and especially  
10 the Lora family. Like, I just would like to apologize, like,  
11 for the things that I did, and I know I did a lot of negative  
12 things in this -- in my life of living. So I just want to -- I  
13 just want to become a better person. I want to make it better.  
14 Like she said in her letter, people change, like, and I'm not  
15 saying, like, every day -- like, it don't take -- excuse me.  
16 I'm nervous right now.

17 THE COURT: Take your time.

18 THE DEFENDANT: All right. Words getting bunched up.

19 I'm not saying, like -- it takes time every day. You  
20 don't just change overnight. So everything is just a process  
21 for me right now, and due to me taking Islam and it's showing  
22 me -- I learn how to speak Arabic, and I felt like I couldn't  
23 do it, and that's what made -- motivated me to really get on a  
24 verge of like I have to change for my son. My son is nine  
25 years old, and I'm missing his life every day. I missed

L2NHBELS

1 basically nine years of his life. So in like -- I'm trying to  
2 at least make it home one day so he's of age to where we could  
3 enjoy ourself together, you know what I mean? That's all I'm  
4 saying. I understand they feel like what I did, I supposed to  
5 be in jail for the rest of my life. Yeah, I understand that,  
6 but from where I'm coming from, like -- like, crime -- not  
7 saying crime, like, the negative things around the  
8 neighborhood, that's what's OK to us because I see this every  
9 day of me growing up, going to jail. And seeing people go to  
10 jail and they come home and everybody giving them a hug, this  
11 is what I grew up around. So me seeing this, I just happen to  
12 be one of the little kids that took heed to that, and I kept  
13 going and I kept going thinking it's OK. And me sitting in  
14 these cells every day and I'm just looking at the walls and I'm  
15 really thinking and I'm looking at my pictures, like, I'm  
16 missing out on a lot. And I'm just wasting my time being in  
17 these people cells. Like, it's hard in here.

18 But I just want to say I'm sorry to the courts. I'm  
19 sorry to the family, my family. And I'ma just make myself  
20 better. That's what I have to do. I can't really keep  
21 saying it. I'm going to do it for sure. I know that for a  
22 fact. That's really all I got to say.

23 THE COURT: Did I correctly understand when you were  
24 talking with Ms. Lora that you grew up with Noah and his  
25 brother?

L2NHBELS

1 THE DEFENDANT: I grew up with his brother.

2 THE COURT: How much hold older was his brother?

3 THE DEFENDANT: His brother was older than me. I was  
4 hanging out with my cousin Alexi. Alexi is my cousin that hang  
5 out with Chichi, her brother. So me being around my cousin, I  
6 was around him. So he used to bring me to his house and stuff  
7 like that. Like, I know Moises since he was like five  
8 years old. Since he was about five years old.

9 THE COURT: OK. Anything else you want to say,  
10 Mr. Belle?

11 THE DEFENDANT: No, ma'am.

12 THE COURT: All right. Mr. Belle, federal law  
13 requires me to consider the nature and circumstances of the  
14 offense and the history and characteristics of the defendant.  
15 In terms of you, I've considered your history and  
16 characteristics. You were dealt a very bad hand from birth.  
17 As I indicated when I sentenced you the first time, given the  
18 dysfunction that was in your life -- you had two parents with  
19 drug problems and a father who was in jail for essentially all  
20 of your life -- it is not shocking to me that you fell into  
21 antisocial behavior.

22 While it's not shocking, the reality is that when you  
23 were on the street, you were a violent, antisocial thug who  
24 murdered a young man who, as you just said, you knew from the  
25 time he was a child, and you showed absolutely no remorse for

L2NHBELS

1 the crime until you were standing in front of me at the time of  
2 sentence. While it may have affected you, as you told Noah's  
3 sister, the reality is you bragged about the offense. That's  
4 not the action of someone who is remorseful as soon as it  
5 happens; that's someone who is remorseful when you are called  
6 to account.

7 Even then when you were first sentenced, the best you  
8 could say to me about what you were thinking at the time was  
9 that you were drunk. As I said then and I will say now, we  
10 have all been drunk. We do not all jump on someone's head who  
11 has fallen and is being sat upon by multiple men who are many  
12 times his size and beating him to death. That was a depraved  
13 act. I don't know -- there's simply no other way of describing  
14 it.

15 You have a little boy who you mentioned who will only  
16 know his dad through visits to him in prison. Clearly,  
17 Mr. Belle, that is a very sad situation because it continues  
18 for yet another generation of boys in your family growing up  
19 without a father in their life. And that is tragic, and that  
20 entirely lays at your doorstep.

21 You tell me that you are no longer affiliated with the  
22 YGs and that you have been targeted in jail. You tell me --  
23 and this is in one of your letters -- that you have "forced" to  
24 be impulsive in certain situations to protect yourself from  
25 harm you received, and you received disciplinary infractions

L2NHBELS

1 for protecting yourself.

2           The attack on you was unacceptable, but I do not  
3 accept at face value Mr. Belle's assertions that he is no  
4 longer a violent thug that he was on the street. I would note  
5 that he has multiple disciplinary shots while in federal and  
6 state jail and several involved violence. I would have said,  
7 because when I was preparing this, at that point you had a  
8 clean disciplinary record from March 2020 till through  
9 December. So you had about nine months of clean conduct, and I  
10 was going to say, Mr. Belle, that's a good start. But then  
11 January you fell apart, and you were back to being the  
12 Mr. Belle that we all have come to know.

13           You know, Mr. Belle, it's not just the disciplinary  
14 shots. I get it that maybe some of them aren't as bad as they  
15 look on paper, but you know what, Mr. Belle? There are a lot  
16 of people who manage to get in and out of jail with no  
17 disciplinary record. None. You've got pages. It's not just  
18 because the disciplinary system is not the most pristine type  
19 of system. It's because you think that the rules don't apply  
20 to Wendell Belle. That you can do what you want to do. And  
21 that runs square into the rules of a facility.

22           Putting aside the Bureau of Prisons, it was so nice of  
23 you to decide to join us today. This morning we were going  
24 back and forth with the marshals because you had decided you  
25 weren't going to come down. You want to say something about

L2NHBELS

1 that?

2 THE DEFENDANT: Yes. I never -- that's --

3 THE COURT: Again, a misunderstanding?

4 THE DEFENDANT: I just ask these people -- I didn't  
5 even refuse to come to court. I knew I was coming to court  
6 today. I just had a letter from my lawyer saying I might not  
7 go to court. That was the only thing. And they call me at  
8 6:00 in the morning. I said I'm taking a shower. I never said  
9 I'm refusing court. I been here since 10 o'clock.

10 THE COURT: I know you've been here since 10 o'clock  
11 because at 9 o'clock we were told that you had come down.

12 THE DEFENDANT: At 9 o'clock I was in the bullpen,  
13 ready, so I don't know if it was a back and forth.

14 THE COURT: All just a terrible misunderstanding?

15 THE DEFENDANT: Yeah.

16 THE COURT: Again, many defendants we never have these  
17 misunderstandings with.

18 THE DEFENDANT: I don't know because it wasn't no  
19 problem with me.

20 THE COURT: Right. Taking into account that  
21 evaluation -- Mr. Belle, if you don't keep that mask over your  
22 nose. Thank you -- federal law requires me to impose a  
23 sentence that is reasonable and no greater than necessary to  
24 accomplish all the goals of sentencing. I have considered all  
25 of the factors. The fact that Mr. Belle has only been



L2NHBELS

1 convicted of a single 924(c) count rather than two does not  
2 change the analysis that I had of Mr. Belle when he was first  
3 sentenced.

4 In terms of the seriousness of the offense, this was  
5 among the most serious of federal offenses. The Young Gunnaz  
6 gang, which defendant was a high-level leader of and which the  
7 defendant acknowledged being part of for years, made life awful  
8 in that area of the Bronx. Mr. Belle and his gangster buddies  
9 were shooting at each other, brawling in the streets, and  
10 openly selling drugs. Other residents of the area were trying  
11 to raise their children to be law-abiding citizens, to go to  
12 school and to go to work every day. Just the offenses we know  
13 about involve Belle leading the charge against Dykeem  
14 Etheridge, an attack that led to Mr. Etheridge's death; Belle  
15 participating in a gang shooting in which "Hump" was shot and  
16 killed; the Lora murder, which I've indicated was depraved; a  
17 shooting on November 26, 2013, near the Bronx courthouse where  
18 you shot the driver of a car.

19 The murder of Lora was particularly depraved and far  
20 from a heat-of-the-moment thing when Mr. Belle just got carried  
21 away and shot a gun at somebody. Mr. Belle and his buddies  
22 intentionally went to rival territory looking for trouble to  
23 show what a good member of the gang he is. That was depraved  
24 conduct. That would be depraved conduct involving --  
25 justifying a very long sentence even if you yourself never

L2NHBELS

1 kicked Lora, but you did kick him. You kicked him, a 90-pound  
2 weakling who had fallen to the ground and could not run away,  
3 and that was a boy that you personally knew. It's a very  
4 serious offense.

5 I've considered the need to promote respect for the  
6 law. I see no respect for the law from this defendant. The  
7 defendant has been in jail most of his adult life, and as  
8 indicated by the disciplinary record, he is not a model  
9 prisoner. I get that there's a lot of testosterone in jails  
10 and no one wants to be perceived to be weak or a rat, but as I  
11 mentioned, many manage to get through their time without being  
12 repeatedly written up for violent acts, disobeying corrections  
13 officers, and being insolent.

14 I've considered the need to provide just punishment  
15 for the offense while avoiding unwarranted disparities. I took  
16 into account the facts of all the sentences that I imposed on  
17 the roughly 30-odd Young Gunnaz members that I sentenced. The  
18 longest sentence that I imposed when added to existing  
19 sentences was yours. The next longest sentence was Scott at 33  
20 years and Williams at 30 years.

21 I've considered the need to deter criminal conduct.  
22 Mr. Belle, as I told you last time, I have to consider both  
23 specific deterrence and general deterrence. In terms of  
24 specific deterrence, I appreciate that Mr. Belle says he is no  
25 longer associated with the YG, but other than you saying that,

L2NHBELS

1 I really don't have any evidence that you've made a clean break  
2 from your past. If you're being truthful and if that sticks,  
3 as you say, it's one day at a time, that's a positive move  
4 towards rehabilitation. But even so, I'm concerned about  
5 Mr. Belle's propensity for violence. It is worrisome to me  
6 that Mr. Belle killed someone when he was 13 and then again at  
7 19. He's been involved in significant violent conduct,  
8 including shooting at people, since he was a teenager. I  
9 certainly acknowledge that teenagers and young adults don't  
10 have particularly good judgment, but there's little indication  
11 that Mr. Belle's judgment or ability to abide by the rules of  
12 society have improved with his age. Since being convicted, as  
13 I mentioned before, he is simply not a model prisoner,  
14 although, again, you did have nine months of clean conduct, so  
15 it's clear that you can behave yourself if you choose to do so.

16 In terms of general deterrence, it is important to  
17 send the message far and wide that this kind of organized  
18 criminal conduct that terrorizes and destroys neighborhoods  
19 will not be tolerated. Men and boys, because that is who are  
20 in the Young Gunnaz, need to understand that they need to get  
21 out of the gang or not join it in the first place unless they  
22 want to spent substantial years in jail.

23 I've considered the need to protect the public from  
24 the defendant. Mr. Belle fired a gun on more than one occasion  
25 attempting to kill rival gang members, and on one occasion for

L2NHBELS

1 no reason attacked and kicked to death a rival that, again, he  
2 knew from the time the child was a child. I appreciate the  
3 argument that long sentences can be counterproductive. As  
4 indicated, this one, at a minimum, is going to guarantee that  
5 your son grows up without a father, but I have to impose a  
6 sentence that is long enough to give this defendant time to  
7 mature to the point where he will not be so violent and so  
8 dangerous to those around him, including other innocent  
9 bystanders who could be killed by his conduct.

10 If this were just a matter of making poor choices,  
11 which is frequently how this is phrased, in fact, maybe your  
12 girlfriend said something like "he made a poor choice" or "the  
13 accident of Lora," but that's not this. This is not just a  
14 poor choice. This was a conscious decision to be part of the  
15 Young Gunnaz, to participate in their activities, to be a  
16 leader, and as to the Noah murder, to go to rival territory  
17 with the intent to find someone to hurt. The level of  
18 depravity associated with the Lora murder is not just a matter  
19 of being young and it's not just a matter of growing up in a  
20 bad neighborhood, seeing people come home from jail and  
21 thinking there's just no other way to live. The ability to  
22 kick to death someone you know reflects a level or lack of  
23 empathy for your fellow man that leaves me worrying about your  
24 ability to live within the rules of society.

25 I've considered the need to provide the defendant with

L2NHBELS

1 needed educational opportunities. Mr. Belle, you need to get a  
2 marketable skill so you can be gainfully employed when you get  
3 out. I take heart from the training you took when you were in  
4 the juvenile facility. Keep it up. No reason why you can't  
5 get a GED if you put your mind to it. Beyond that, however,  
6 you need to learn a trade so that when you get out of jail --  
7 and you are going to get out of jail. You're not going to get  
8 a life sentence -- that you have a skill that will overcome  
9 what is a major problem in getting a job, which is you will  
10 have spent most of your young adulthood in jail. So learn how  
11 to do something that will allow you to get a job.

12 Having a job is the single most important factor in  
13 avoiding recidivism. But you've got to train for it, and that  
14 means you've got to quit being a thug in jail and devote  
15 yourself to becoming a productive member of society. And you  
16 know, sometimes, Mr. Belle, that means you have to just look  
17 the other way when somebody does something or says something  
18 that you don't like. Mouthing off to correctional officers is  
19 not a good strategy. We all have to deal with people that are  
20 not being nice to us. Sometimes the right way to deal with  
21 them is just to keep going and not engage.

22 THE DEFENDANT: Yes.

23 THE COURT: Or you can continue to engage and you can  
24 continue to get disciplinary shots, and you could lose your  
25 good time and you could spend more time in jail than you need

L2NHBELS

1 to spend. That's your choice.

2 Ms. Lora, if putting him in jail for the rest of his  
3 life would bring back your brother, this would be easy. But no  
4 matter how long I put him in jail, you're going to have the  
5 same emptiness that you've got now, and there's nothing I can  
6 do about it, and I am sorry.

7 As to Mr. Belle, he is serving and will serve nine  
8 years in state custody for an attempted murder which is part of  
9 his Young Gunnaz activity. Upon careful evaluation of the  
10 sentence I originally imposed on Counts One and Two, I now  
11 believe that it is somewhat longer than necessary to accomplish  
12 the goals of sentence. Although I have to say, Mr. Belle, it's  
13 not because of anything you have done, because I truly believe  
14 that you are just as dangerous now as you were two years ago,  
15 or whenever it was that I sentenced you. But in walking  
16 through the evaluation of what it means, I think that we can  
17 solve and accomplish the goals of sentencing with a slightly  
18 less lengthy sentence.

19 You're going to be right at 30, if I've done the  
20 arithmetic correctly, when you complete the state sentence that  
21 you are currently serving. For all the reasons I have  
22 discussed, a lengthy sentence is appropriate, but reimposing  
23 the prior sentence would mean that Belle would be released,  
24 assuming he keeps all of his good time, which given his current  
25 record is not at all clear, when he is in his late 50s. After

L2NHBELS

1 a lot of thought, I believe that is longer than necessary to  
2 achieve the goals of sentencing. I am considering the fact  
3 that the older men get, the less violent they are generally.  
4 Therefore, I believe that a longer period -- that that is a  
5 longer period of incapacitation than is necessary.

6 Accordingly, I'm going to reduce the previously  
7 imposed sentence on Count Two to a period of incarceration of  
8 25 years consecutive to the current state sentence, to be  
9 followed by five years of supervised release. If I have done  
10 my arithmetic correctly and you behave in jail so that you  
11 don't lose good time, that is going to put you out of jail  
12 around the time you turn 50, which I realize, as you sit there  
13 now, you think that makes you an old man, but it doesn't. When  
14 you're 50, trust me, you've got a lot of life left in you. So  
15 it's up to you, Mr. Belle, whether you make your time miserable  
16 or whether you do something productive with your time so when  
17 you get out of jail, you can live what will be 20 or 30 or 40  
18 years as a productive member of society.

19 There are mandatory conditions of supervised release.  
20 The defendant must not commit another crime. He shall not  
21 illegally possess a controlled substance. He cannot possess a  
22 firearm or other destructive device. You must cooperate in the  
23 collection of DNA. I'm not ordering drug testing because drug  
24 treatment will be required.

25 In addition to the standard conditions of supervision,

L2NHBELS

1 I'm imposing the following special conditions: The defendant  
2 must submit his person, residence, place of business, vehicle,  
3 electronic devices, or other premises that are under his  
4 control to search if the probation officer has a reasonable  
5 belief that contraband or evidence of a violation of conditions  
6 of release may be found there. Any search must be conducted at  
7 a reasonable time and in a reasonable manner. Failure to  
8 submit to search may be grounds for revocation. The defendant  
9 must inform any other residents that the premises may be  
10 subject to search pursuant to this condition.

11 The defendant must participate in an outpatient drug  
12 treatment program as directed by the probation office. The  
13 program may include testing to determine whether the defendant  
14 has reverted to the use of drugs or alcohol. The defendant  
15 must contribute to the cost of services based on his ability to  
16 pay or the availability of third-party payments. I'm  
17 authorizing the release of available drug treatment evaluations  
18 and reports, including the presentence report, to the substance  
19 abuse provider.

20 The defendant must participate in outpatient mental  
21 health treatment as directed by the probation office. The  
22 defendant must continue to take any prescribed medication  
23 unless otherwise instructed by the mental health-care provider.  
24 The defendant must contribute to the cost of the service based  
25 on his ability to pay or the availability of third-party



L2NHBELS

1 payments. I'm authorizing the release of available  
2 psychological and psychiatric evaluations and reports,  
3 including the presentence report, to the health-care provider.

4 The defendant must have no contact with any member of  
5 the Young Gunnaz, although it is my hope that by that point  
6 they will be a distant memory, or any other street gang,  
7 including through social media.

8 The defendant must report to the nearest probation  
9 office within 72 hours of release, and he'll be supervised by  
10 the district of residence.

11 I'm not imposing a fine, because there's no ability to  
12 pay. I must impose a \$100 special assessment. You'll get  
13 credit for any moneys you've already paid on that special  
14 assessment.

15 Is there any request for designation, Mr. Pittell?

16 MR. PITTELL: May I have a moment to speak with him?

17 THE COURT: Of course.

18 (Counsel conferred with defendant)

19 MR. PITTELL: Judge, I would just ask that you  
20 designate him to a facility as close as possible to the  
21 metropolitan New York City area.

22 THE COURT: I'll request that you be designated to a  
23 facility near New York City. As you know, I have no authority  
24 over where you actually get designated, but I'll make the  
25 request that they keep you close to New York City.

L2NHBELS

1           To the extent you have not given up your right to  
2   appeal your sentence through the agreement you entered into  
3   with the government in connection with your guilty plea, you  
4   have the right to appeal. If you're unable to pay the cost of  
5   an appeal, you may apply for leave to appeal *in forma pauperis*.  
6   The notice of appeal must be filed within 14 days of the  
7   judgment of conviction.

8           Anything further from the government?

9           MR. CASTELLANO: Your Honor, I may have misheard you  
10   before, but just to be clear, "Hump," as I know you know, was  
11   not killed, he was nearly killed.

12          THE COURT: I'm sorry, nearly killed.

13          MR. CASTELLANO: Thank you, your Honor.

14          THE COURT: Same point.

15          Anything further from the defense, Mr. Pittell?

16          MR. PITTELL: No, thank you.

17          THE COURT: Mr. Belle?

18          THE DEFENDANT: (Shakes head.)

19          THE COURT: Thanks, everybody.

20          (Adjourned)